

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 2-6 and 8 are pending in the application, with claims 2 and 8 being the independent claims. Support for the amendment in claim 2 can be found on page 19 of the specification.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***I. Objection to the Specification***

In the Office Action at page 4, the Examiner maintained the objection to the Figures. The Figures will be amended in accordance with Form PTO 948 when the claims are allowed.

In the Office action at page 5, the Examiner maintained the objection that the Application is not in compliance with the sequence rules 37 C.F.R. §§ 1.821-1.825. For the reasons stated in the Reply to the Office Action filed on January 24, 2002, Applicants respectfully disagree with the objection. However, in the interest of expediting the allowance of the above-captioned application, per the Examiner's suggestion, Applicants will incorporate the appropriate SEQ ID NOs. in the formal drawings. Formal drawings will be submitted once the Examiner has indicated allowance of all claims. Therefore, Applicants respectfully request that the objection to the specification be withdrawn.

C

***II. Rejection under 35 U.S.C. § 112, Second Paragraph***

In the Office Action at page 5, the Examiner maintained the rejection of claim 2 under 35 U.S.C. § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection as it may apply to claim 2. However, in the interest of expediting the allowance of the above-captioned application, Applicants have amended claim 2 to address the Examiner's concern.

***Conclusion***

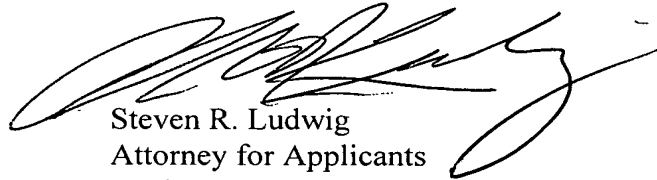
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

C

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Steven R. Ludwig  
Attorney for Applicants  
Registration No. 36,203

Date: \_\_\_\_\_

8/8/02

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600

**Version with markings to show changes made**

2. (Twice amended) An isolated biologically active peptide consisting essentially of the formula:

- (a)  $X_{01}$  ValSerGluIleGlnLeuMetHisAsnLeuGlyLysHisLeuAsnSerMet  
GluArgValGluTrpLeuArgLysLysLeuGlnAspValHisAsnPhe (SEQ  
ID NO:1);
- (b) fragments thereof containing amino acids 1-29, 1-30, 1-31, 1-32,  
or 1-33;
- (c) pharmaceutically acceptable salts thereof; or
- (d) N- or C- derivatives thereof;

wherein:

$X_{01}$  is desamino Ser, desamino Ala or desamino Gly,

provided that said peptide is not

desamino-SerValSerGluIleGlnLeuMetHisAsnLeuGlyLysHisLeuAsnSerMetGluArgVal  
GluTrp LeuArgLysLysLeuGlnAspValHisAsnPhe (SEQ ID NO:8) or a fragment thereof  
containing amino acids 1-31 [(desamino-Ser<sup>1</sup>) hPTH(1-31)NH<sub>2</sub> or (desamino-Ser<sup>1</sup>)  
hPTH(1-34)NH<sub>2</sub>].

C